

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 14-18 and 20-27 are pending in this application. Claims 14-22 and 24-27 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 2,693,165 to Appleman in view of U.S. patent 5,913,414 to Pollock et al. (herein “Pollock”) in view of U.S. patent 5,845,365 to Howie, Jr. (herein “Howie”) and U.S. patent 6,860,224 to Snider. Claim 23 was rejected under 35 U.S.C. § 103(a) as unpatentable over Appleman in view of Pollock, Howie, and Snider, and further in view of U.S. patent 3,421,474 to Demi. Those rejections are traversed as now discussed.

Applicants and Applicants’ representative wish to thank Examiner Payne for the interview granted Applicants’ representative on March 22, 2010. During the interview the outstanding rejections were discussed in detail, and claim amendments to clarify certain claim features over the applied art were also discussed. Those discussed claim amendments are herein presented. During the interview Examiner Payne agreed such amendments address the prior art of record, but that an update search would be performed when a formal response was filed. The present response also reiterates comments presented during the interview as to how the amended claims distinguish over the applied art.

Independent claims 14 and 27 clarify features recited therein by more clearly reciting an “integrated mechanical base made of an opaque material and covered by the handle”. Those claims now also further recite:

wherein the integrated mechanical base includes an angular position display pointer made of the same material and molded as part of the integrated mechanical base, the angular position display pointer extending into the gripping tab portion of the cap.

Those features clarified in independent claims 14 and 27 are believed to be clear from the original disclosure, see for example 1-3.

As shown in Figure 3 in the present specification as a non-limiting example, the claimed integrated mechanical base 21 includes an angular position display pointer 27 made of the same material of the integrated mechanical base 21 and molded together with the integrated mechanical base 21. The angular position display pointer 27 further extends into the gripping tab portion 22A of the cap. Applicants submit that structure is clearly neither taught nor suggested by the applied art.

With respect to the feature of the “angular position display pointer”, the outstanding Office Action newly cited Snider at Figures 1 and 2.¹

Applicants traverse that grounds for the rejection and submit clearly Snider does not disclose or suggest an integrated mechanical base that includes an angular position display pointer made of the same material as the integrated mechanical base and molded as part thereof, and further such that the angular position display pointer extends into the gripping tab portion of the cap.

In Figures 1 and 2 Snider discloses an indicator portion 16, but Snider discloses that element 16 as a “*portion of the outer surface 14* that is used to display the indicator knob 10’s position” (Snider at column 3, lines 27-30 (emphasis added)). Snider further notes such indicator portions are “typically thin, line-like sections that cover two surfaces of the visible area 14” (Snider at column 3, lines 47-51), and further an opaque overmold 30 would not cover such an indicator portion 16 even when the indicator portion 16 wraps over multiple surfaces (Snider at column 3, lines 51-61).

Applicants submit from such disclosure it is clear in Snider the indicator 16 is formed at an outer surface of a knob, and is clearly *not* part of an integrated mechanical base that would extend into the gripping tab portion of a cap. Again with reference to Figure 3 in the specification as a non-limiting example, the integrated mechanical base 21 is an element that

¹ Office Action of January 13, 2010, the paragraph bridging pages 3 and 4.

is covered by the cap. Further, in the claimed invention the angular position display pointer 27 of the integrated mechanical base 21 extends into a gripping tab portion of the cap, and is not part of an outer surface of a cap as in Snider.

Thereby, applicants submit Snider does not meet the limitations of the clarified “angular position display pointer” of the “integrated mechanical base”, and thereby Snider does not cure the deficiencies of Appleman, Pollock, and Howie with respect to such features.

Thereby, applicants submit the claims as currently written positively recite features neither taught nor suggested by the applied art and thus the claims are allowable over the applied art.

As no other issues are pending in this application, it is respectfully submitted the present application is in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Surinder Sachar
Registration No. 34,423

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

3302655_1.DOC